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09/559,778	04/27/2000	Elliot D. Light	2249	2634

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EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,778

Applicant(s)

LIGHT ET AL.

Examiner

James Zurita

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3625

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore "data controller" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 35, 37, 44, 46, 57 and 58 are objected to because of the following informalities:

Claim 57 and 58 appear to be identical. Claims 44 and 46 appear to be identical. Claims 35 and 37 appear to be identical. The claims do not appear to further limit the claimed invention. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-79 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter

Art Unit: 3625

which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims refer to *authorized* data recipients. The specifications refer to *authorized* data recipients and to *registered* data recipients (page 11, lines 16-19). In other claims and in the specification, *registered* refers to all users.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peckover, WO 97/26612-A1, international publication date of 24 July 1997, in view of an article by Robert Greene, "Online College Applications, Pushing Out Paper", Sep 1, 1997, St. Louis Post - Dispatch; St. Louis, Mo.

The term *data controller* will be given its broadest reasonable interpretation to mean one or more devices that other devices rely on for access to a computer subsystem.¹

The term *data repository* will be given its broadest reasonable interpretation to mean a collection of information about a computing system.²

¹ Definition of Controller, MICROSOFT Computer Dictionary.

² Definition of Repository, MICROSOFT Computer Dictionary.

Art Unit: 3625

The term *data structure* will be given its broadest reasonable interpretation: an organizational scheme, such as a record or array that can be applied to data to facilitate interpreting the data or performing operations on it.³ Basic types of data structures include files, lists, arrays, records, trees, tables, etc.⁴ Each of these basic structures has many variations and allows different operations to be performed on the data.

The descriptive material ("data subject", "authorized", "authorized data recipient", "network communication device", "NCD", "NCD software", "data repository client software" [on authorized data recipient machines]) does not distinguish the claimed invention from the prior art in terms of patentability.

For purposes of applying prior art the term "data subject" will be interpreted to read on patrons, buyers, clients, shoppers, purchasers, users, consumers, customers, a party to a transaction, etc. The term "authorized data recipient" will be interpreted to read on merchants, sellers, providers, users, a party to a transaction, etc. Please note that Peckover discloses that the roles of each party may be interchangeable and that a party may invoke transactions.

The terms "network communication device", "NCD" will be interpreted to read on any type of device that might be used to connect a client node to a network in a client/server network architecture.

The terms "NCD software" "data repository client software" [on "authorized data recipient" machines]) will be interpreted to read on any client-side software that permits a client node to interact with server-side software on a network.

³ Definition of Data structure, MICROSOFT Computer Dictionary.

Art Unit: 3625

The types of clients may include personal computers, workstations, telephones, dumb and intelligent programmable devices, wireless devices, PDA's. Users on client machines may use a client to search in or access server databases, select, search, request searches, download files and information, and generally interact with one or more servers on a network.

As to *data controller*, Peckover's one or more processors perform functions claimed by applicants, i.e., functions performed by one or more devices that other devices rely on for access to a computer subsystem. See, for example, Fig. 3A and 3B and related text.

As to *data repository*, Peckover discloses the use of collections of information about his computing systems.⁵ See, for example, references to collections of information concerning object server, agent system, agent managers and others, Figs. 1-10 and related text.

As to *data structures*, Peckover discloses the use of records (for example, page 32), records of searches. See also references to formats for receiving data in standard and non-standard formats (page 10). See references to remote database adaptors for translating data formats among various users of a network (Fig. 8A, page 48). Peckover discloses gathering transaction and general information such as delivery address, name, preferences, demographic data, credit card data and other (for example page 9).

Peckover's processor(s) execute software machine code instructions that perform at least the following functions:

⁴ Definition of Data structure, Random House Webster's Computer and Internet Dictionary.

Manage persistence – includes hardware and software that manage storage such as one would find in data repositories such as databases). Data stored may be gathered by the system (for example, page 9, 33, Fig. 9A-9C and related text). See also references to system history data Fig. 2 and related text Fig. 3B for persistence functions, which manage data repository functions for various objects in Peckover's system. For client-side persistence, Peckover discloses the use of cookies (for example, page 9, line 21-page 11, line 2).

Manage communications and messages including hardware and software that (a) connect the parties to the network and each other (b) manage access (authorization and registration) to computer systems and sub-system (c) send and receive data among various parties at one or more network nodes. Peckover discloses the use of unique identification numbers (for example, page 35) and passwords for example, Fig. 11 and related text, page 54.

Manage interactions over networks such as the Internet (for example, pages 8-14), cable, satellite links and others (for example, page 74).

Manage client/server functions – includes hardware and software related to Human/Machine interfaces, using computer languages such as HTML (for example, pages 16, 64). See also references to browser software usable on each party's machine. When invoked, browsers perform a party's client-side activity such as translating information to/from different native computer languages, send and receive information to/from other nodes on the various

⁵ Definition of Repository, MICROSOFT Computer Dictionary.

Art Unit: 3625

networks. For example, see pages 9-10, 30-33, 52-53. Browsers permit users to interact with a network and with each other.

Manage logging and history, and gather information to complete transactions (for example, page 23). See also references to log functions, whereby Peckover stores records of activities, and transactions for each party as in Fig. 6 and related text, page 41, Fig. 7 and related text, page 43. See also query loggers (page 47), Historical demand and previous transactions (page 48). Peckover discloses that users may be authorized users and registered users. Peckover permits persons and organization to become registered users. For example, page 34. Peckover permits persons and organization to become authorized users. For example, see pages 34, 37-38 and 48.

Peckover discloses that parties may alternatively initiate offers and accept offers as electronic transactions over one or more networks, such as the Internet. In Peckover, parties may invoke electronic transactions among parties that are authorized users of the system. Parties may be registered in various roles and capacities to (a) provide information, (b) access information provided by others and conclude commercial transactions. Parties can buy and sell goods and services, as well as information (for example, see page 2). The various parties interact to complete buying and selling transactions.

Persons and organizations may register to become users of the system (for example, Fig. 2 and related text, page 30, line 1- page 31, line 15). Each party may connect to the network via various types of devices, such as wireless

Art Unit: 3625

including wireless loops (for example, page 34), personal computers (e.g., page 30, line 22-page 31, line 6), PDA's and other embodiments (e.g., page 74).

Peckover discloses selecting parties as targets for types of products. For example, see references to Target consumer, pages 68-71.

Peckover discloses that parties may download and fill out forms (such as applications for credit) presented by providers of information. Peckover discloses market categories such as real estate (see at least section entitled Market, pages 43-50 and page 71). Credit includes loans, bonds, charge-account obligation, and others.⁶ A loan is a transaction wherein an owner of property (lender) allows another party (the borrower) to use the property.⁷ A mortgage is a debt instrument by which a borrower (a mortgagor) gives a lender (mortgagee) a lien on property as security for the repayment of a loan.⁸

Peckover refers to discounts, different prices, page 8. See also special prices to distributors. For example, page 31. See also references to price range. These prices are calculated to produce final prices.

Peckover *does not* specifically disclose conveying information for an application for college admission. College admission applications are a type of form that is filled out by a party. Greene discloses conveying information and application for college admissions online. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Peckover and Greene to convey information for application for college admission.

⁶ Definition of credit, Barron's Dictionary of Business Terms.

⁷ Definition of Loan, Barron's Dictionary of Business Terms.

⁸ Definition of Mortgage, Barron's Dictionary of Business Terms.

Art Unit: 3625

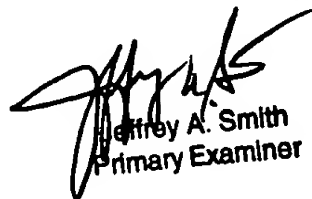
One of ordinary skill in the art at the time the invention was made would have been motivated to combine Peckover and Greene and convey information for application for college admission for the obvious reason that persons often wish to obtain information about a college such as campus crime reports, faculty ratings or other information through unofficial channels. Conveying information online saves paper, lets institutions hear from a wider range of applicants and lets colleges promote themselves as technologically advanced.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JE
James Zurita
Patent Examiner
Art Unit 3625
June 11, 2003


Jeffrey A. Smith
Primary Examiner